

MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, MAY 19, 2015
MEETING ROOM B - THIRD FLOOR COURTHOUSE

Members Present: Mark Klevgaard, Tom Jensen, Andrea Koczur, Dan Langseth, Paul Krabbenhoft, William Davis, Jenny Mongeau, Amos Baer, David Heng, Mike Hulett, Tim Brendemuhl

Members Absent: None

Others Present: Tim Magnusson, Colleen Eck, Teresa Buth, Michael Beaudine, Katherine Beaudine, Greg Anderson

Chair Paul Krabbenhoft called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA

On motion by Amos Baer, seconded by Dan Langseth, and unanimously carried, the Commission approved the agenda with Paul Krabbenhoft's request to add one new business item: Information sharing regarding the County Board overturning the Planning Commission's decision to deny a rezoning request last month.

APPROVAL OF MINUTES

On motion by Dan Langseth, seconded by Andrea Koczur, and unanimously carried, the Commission approved the minutes from April 21, 2015 as written.

CITIZENS TO BE HEARD

There were none.

KATHERINE AND MICHAEL BEAUDINE – CONDITIONAL USE REQUEST

The applicant is seeking approval of a Conditional Use Permit to allow the establishment of a horse boarding and training facility. The affected property is a 120-acre parcel located in the S Half and NW Quarter of the SE Quarter, Section 12, T138N, R44W (Parke Twp.) in the Agricultural General (AG) zoning district.

On motion by Amos Baer, seconded by Tom Jensen, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnusson, Planning Director, stated that this property is west of Turtle Lake and north of Long Lake, just inside the Clay County line. He displayed aerial views showing the pasture area and farm site, and the location for the proposed barn/stable. The proposed location for the horse stable is situated between the two shoreland zoning districts of Turtle Lake and Long Lake. The shoreland districts extend 1,000 feet from the lakes. The access road for the stable would come through the Special Protection-Shoreland District off 80th Avenue South. There are no

residences located within 1,000 feet of the horse stable other than the farmstead residence located on the same site as shown in a photo. Manure from the horse facility would be applied to the hay fields located on the same site. The majority of the property is woodlot and pasture land. No cultivated agricultural land would be taken out of production as a result of this request. The proposed use will meet all the setbacks required in the ordinance for an Agricultural Service Establishment. Magnusson noted that this is probably a good location for a horse boarding facility with all the people who live around the Turtle Lake area. Manure can be spread as close as 300 feet from a lake. The Beaudine family also owns a feedlot across the county line, in Becker County.

By Minnesota state standards, a feedlot is a location where animals are fed and vegetative cover cannot be maintained. The Clay County ordinance allows 50 animal units (AU), as accessory to the property. A feedlot has to be registered with the state if there are more than 50 AU. Beaudine has a registered beef cow feedlot on both of his properties. Up to 50 horses at the site could be considered accessory to the feedlot on the site. Beaudines have 10 of their own horses and 500 acres of land for the manure. There are a number of other feedlots in the immediate vicinity.

Chair Krabbenhoft asked if there was anyone who wanted to speak for or against the proposal.

Greg Anderson stated that he lives on Turtle Lake and is the last property on the lake on the Clay County side of the county line. He commented that Beaudines take good care of their property and animals. He could see no reason why adding more horses to the property would not be a good idea. He recommended that the Planning Commission approve the request.

Theresa Buth, from Fargo, stated that their extended family also has a lake lot on Turtle Lake and they have questions about access and if this would be expanded into a commercial business. Mike Beaudine stated that the property will be gated and will not be open to the public. Magnusson stated that the commercial part of it will be charging their friends to board horses there. If they ever decide to expand and have over 30 horses, They would need to apply for a new permit and could go back to the Planning Commission again. People who own land within one-half mile of their site would again be notified of the public hearing for an expansion. Magnusson asked the applicants how they intend to handle the manure, and was informed that they don't do anything with it over the winter. In the spring, they pile it with hay and straw. By fall, the pile is down to half the size and that is when they spread it on the fields. They have two separate feedlot permits for two different parcels and the cows are allowed to move back and forth between the two areas.

Staff recommends approval of the Conditional Use Permit as requested with the following, minimum conditions:

1. A maximum of 30 horses may be housed on site at any given time.
2. Any signage shall meet all County sign regulations.
3. Hours and days of operation: 6:00 a.m. to 10:00 p.m., Sunday thru Saturday.
4. Applicant may apply manure to hay fields located on the property.
5. Other conditions as the Planning Commission deems necessary.

On motion by David Heng, seconded by Dan Langseth, and unanimously carried, the Planning Commission closed the public hearing.

The Planning Chair read the Findings of Fact for Conditional Use Permits and the Planning Commission did not feel that any items needed to be addressed further.

On motion by Amos Baer, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission approved the request for a Conditional Use Permit from Katherine and Michael Beaudine to allow the establishment of a horse boarding and training facility on a 120-acre parcel located in the S ½ and NW ¼ of the SE ¼ Section 12, Parke Township, with the following conditions:

- 1. A maximum of 30 horses may be housed on site at any given time.**
- 2. Any signage shall meet all County sign regulations.**
- 3. Hours and days of operation: 6AM to 10PM, Sunday thru Saturday.**
- 4. Applicant may apply manure to hay fields located on the property.**

BUSINESS ITEM(S)

Discussion of Proposed Changes to Land Development Ordinance

Magnusson stated that a number of the proposed changes to the Land Development Ordinance were proposed by the County Land Records Committee due to the fact that the county no longer has an appointed County Surveyor. The county now uses surveyors as necessary. Some of the changes are areas that reference the County Surveyor and other changes are related to when a survey is required, what is required on a survey, and submission of electronic surveys in county coordinates. The items in the ordinance that need to be added/deleted/amended were further explained. Magnusson noted that at least one local surveyor does not do his surveys electronically, and will have to use a third party to submit surveys after the ordinance change is made. The reason for the change is for ease and accuracy for the county. The county GIS is very up-to-date. This information will be presented in a public hearing next month and the surveyors in this area will be notified of the hearing. The Planning Commissioners' recommendation will be forwarded to the County Board for final approval at a second public hearing.

BRB, LLC – Petition for Rezoning from April Meeting

The Planning Commission heard BRB's petition to rezone (to remove the Urban Expansion Overlay District) on a 7.66-acre parcel which is also zoned Highway Commercial. The property is in the NW/SE Section 29, Moorhead Township and abuts the City of Moorhead. The Planning Commission recommended denial of the request, and that recommendation was forwarded to the County Board for final approval. There was lengthy discussion over it at the County Board meeting and they voted 4 to 1, against the recommendation, to approve the rezoning. Jenny Mongeau noted that she voted to approve the petition for rezoning at County Board, mainly because of the length of time this property had been in the Urban Expansion District without being annexed into the city. The board members had also felt that there was a need for storage units in this area with apartment buildings being close by. The City will be doing a study prior to services being designed for this area and growth typically comes after that. Hulett questioned whether this decision may set a precedent for other rural properties with the same overlay district. Baer commented that Moorhead is restricting what goes on with this property and it is not in city limits. Magnusson noted that once land is annexed, the city needs to provide services. The city had put some of their annexation projects aside because of some of the recent floods.

Magnusson stated that because it was going to County Board as a negative recommendation, it had not been advertised as a public hearing. The property documents and ads will be drafted and a new date set for the County Board to address it at an upcoming public hearing.

On motion by Tom Jensen, and seconded by Dan Langseth, the meeting was adjourned at 8:00 p.m.

Andrea Koczur, Planning Commission Secretary